

THREE RIVERS TIMBER, INC.,)	AGBCA No. 2003-158-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
Robert A. Maynard, Esquire)	
Perkins Coie)	
251 East Front Street, Suite 400)	
Boise, Idaho 83702)	
)	
Representing the Government:)	
)	
Marcus R. Wah, Esquire)	
Office of the General Counsel)	
U. S. Department of Agriculture)	
P.O. Box 7669)	
Missoula, Montana 59807)	

DECISION OF THE BOARD OF CONTRACT APPEALS

September 16, 2003

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge VERGILIO.

On March 11, 2003, the Board received a notice of appeal filed by Three Rivers Timber, Inc., of Kamiah, Idaho (purchaser), concerning the Burnt Flats Salvage Timber Sale contract, No. 17-01-024307, with the respondent, the U. S. Department of Agriculture, Forest Service (Government). The contract involved the Salmon River Ranger District of the Nez Perce National Forest, Idaho. The appeal focuses upon the contracting officer's denial of the purchaser's claim to recover \$96,483.72 (plus interest) for loss in value of timber; the contractor seeks payment pursuant to clause B8.12 of the contract.

The Board has jurisdiction over this timely filed appeal pursuant to the Contract Disputes Act of 1978 (CDA), 41 U.S.C. §§ 601-613, as amended. Following the submission of the complaint, appeal file, and answer, the parties resolved this dispute.

On September 12, 2003, the Board received from the parties a stipulation for dismissal of this matter. The stipulation states that the action has been completely and fully settled and that all claims

and causes of action for timber value loss, known or unknown, on the contract have been settled. The parties stipulate and agree to dismiss with prejudice the entire matter.

DECISION

In accordance with the submission, the Board dismisses with prejudice this appeal.

JOSEPH A. VERGILIO

Administrative Judge

Concurring:

HOWARD A. POLLACK

Administrative Judge

ANNE W. WESTBROOK

Administrative Judge

Issued at Washington, D.C.

September 16, 2003